

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES J. CHERUNDOLO,

Plaintiff,

v.

No. 5:06-CV-0677
(NAM/RFT)

MANULIFE FINANCIAL CORPORATION,

Defendant.

APPEARANCES:

Cherundolo, Bottar Law Firm
Suite 1600
120 Madison Street
MONY Tower II - 16th Floor
Syracuse, NY 13202

Nixon, Peabody Law Firm
P.O. Box 31051
Clinton Square, Suite 1300
Rochester, NY 14603-1051

OF COUNSEL:

John C. Cherundolo, Esq.

Christopher D. Thomas, Esq.

NORMAN A. MORDUE, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

Pursuant to the status report filed on November 21, 2006, by attorney Cherundolo, that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of

Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

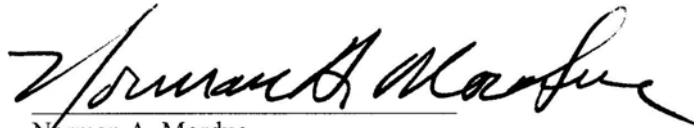
It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the

action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.

Dated: November 22, 2006
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge